

Kenneth A. Hill  
Quilling, Selander, Lownds,  
Winslett & Moser, P.C.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
(214) 871-2100 (Telephone)  
(214) 871-2111 (Facsimile)  
ATTORNEYS FOR THE TRUSTEE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE:	§	
	§	
PREMIER MEDICAL, INC.,	§	CASE NO. 23-42096-elm7
	§	
DEBTOR.	§	

**NOTICE OF INTENT TO ABANDON ALL PROPERTY OTHER THAN  
CAUSES OF ACTION UNDER CHAPTER 5 OF THE BANKRUPTCY CODE**

**NOTICE**

**PURSUANT TO FED. R. BANKR. P. 6007, ANY OBJECTION TO THIS MOTION  
MUST BE FILED WITHIN FOURTEEN (14) DAYS OF THE MAILING OF THIS  
NOTICE.**

John Dee Spicer (the “Trustee”), in his capacity as the chapter 7 trustee for Premier Medical, Inc. (the “Debtor”), files this *Notice of Intent to Abandon All Property Other than Causes of Action Under Chapter 5 of the Bankruptcy Code*, and would respectfully show the Court as follows:

**I. JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

**II. BACKGROUND**

3. On July 20, 2023, the Debtor filed a voluntary petition in this Court for relief under chapter 11 of the United States Bankruptcy Code. On January 11, 2024, this Court entered an

order converting the case to chapter 7. The Trustee was appointed as the chapter 7 trustee, and he continues to serve in that capacity.

4. Before the Debtor's bankruptcy filing, the Debtor operated medical testing laboratories. Based upon the Trustee's investigation, he believes that all property of the Debtor's bankruptcy estate is fully encumbered, other than causes of action under chapter 5 of the Bankruptcy Code. On January 11, 2024, this Court entered an order lifting the automatic stay allowing the Debtor's largest secured creditor, Regency Finance, LLC, to pursue its remedies under applicable non-bankruptcy law against most property of the Debtor's bankruptcy estate (but not any causes of action under chapter 5 of the Bankruptcy Code).

5. To the best of the Trustee's knowledge, the only property of the Debtor's bankruptcy estate for which the automatic stay remains in effect consists of some computer equipment, servers, network equipment, laptops, desktops, and handheld computer devices, patient data, medical waste, hazardous materials, numerous boxes of paper records, accounts receivable, and causes of action under chapter 5 of the Bankruptcy Code.

### **III. ARGUMENT AND AUTHORITIES**

6. A chapter 7 trustee, subject to the Bankruptcy Court's approval, may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate. 11 U.S.C. § 554(a).

7. All property of the Debtor's bankruptcy estate, other than causes of action under chapter 5 of the Bankruptcy Code, is of inconsequential value and benefit to the Debtor's bankruptcy estate. Based upon the Trustee's investigation and informed business judgment, no property of the Debtor's bankruptcy estate, other than causes of action under chapter 5 of the Bankruptcy Code, has any value or benefit to the Debtor's bankruptcy estate, considering the

potential market value and factoring in the encumbrances and estimated expenses to move, store, market, and sell.

#### **IV. CONCLUSION**

PLEASE TAKE NOTICE that the Trustee intends to abandon all property of the Debtor's bankruptcy estate other than causes of action under chapter 5 of the Bankruptcy Code.

Respectfully submitted,

QUILLING, SELANDER, LOWNDS  
WINSLETT & MOSER, P.C.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
(214) 871-2100 (Telephone)  
(214) 871-2111 (Facsimile)

By: /s/ Kenneth A. Hill  
Kenneth A. Hill  
Texas Bar No. 09646950  
ATTORNEYS FOR THE TRUSTEE

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served concurrently with the filing of the same by (a) the Court's CM/ECF noticing system upon all persons who have filed ECF appearances in this case, including counsel of record for the Debtor, the Trustee, the Office of the United States Trustee, and all persons and entities requesting notice under L.B.R. 2002-1(j), and (b) first class mail, postage prepaid, on all persons and entities set forth on the attached service list.<sup>1</sup>

/s/ Kenneth A. Hill  
Kenneth A. Hill

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<sup>1</sup> The service list is omitted from service copies to avoid unnecessary copying and postage charges, but a copy can be obtained free of charge by making a written request to Diana Cruz at Quilling, Selander, Lownds, Winslett & Moser, P.C., 2001 Bryan Street, Suite 1800, Dallas, Texas 75201, fax (214) 871-2111, e-mail [dcruz@qslwm.com](mailto:dcruz@qslwm.com).

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

IN RE:

PREMIER MEDICAL, INC.,

DEBTOR.

§  
§  
§  
§  
§

CASE NO. 23-42096-elm7

**ORDER ABANDONING ALL PROPERTY OTHER THAN  
CAUSES OF ACTION UNDER CHAPTER 5 OF THE BANKRUPTCY CODE**

On this date, the Court considered the *Notice of Intent to Abandon All Property Other than Causes of Action Under Chapter 5 of the Bankruptcy Code* (Dkt. No. \_\_\_, the “**Notice**”) filed by John Dee Spicer, in his capacity as the chapter 7 trustee for Premier Medical, Inc. (the “**Debtor**”). After reviewing the recording and noting that no responses or objections to the Notice were filed, the Court finds that the abandonment proposed in the Notice should be approved.

IT IS THEREFORE ORDERED that all property of the Debtor’s bankruptcy estate other than causes of action under chapter 5 of the Bankruptcy Code is hereby abandoned from the Debtor’s bankruptcy estate.

### End of Order ###

Submitted by:  
Kenneth A. Hill  
Quilling, Selander, Lownds,  
Winslett & Moser, P.C.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
ATTORNEYS FOR THE TRUSTEE

Label Matrix for local noticing

0539-4

Case 23-42096-elm7

Northern District of Texas

Ft. Worth

Thu Feb 15 09:13:51 CST 2024

De Lage Landen Financial Services, Inc.

c/o Padfield &amp; Stout, LLP

Alan B. Padfield

420 Throckmorton Street, Suite 1210

Fort Worth, TX 76102-3792

14 South Main, LLC

Mary M. Caskey, Esq.

Haynsworth Sinkler Boyd, PA

PO Box 11889

Columbia, SC 29211-1889

ACUMEN IT

3620 PELHAM ROAD

GREENVILLE SC 29615-5044

ADL HEALTH

14220 NORTHBROOK DRIVE STE 600

SAN ANTONIO TX 78232-5000

AMERICAN LABORATORY SOLUTIONS

500 BUCKSLEY LANE

DANIELS ISLAND SC 29492-8180

APRIL JULIAN

176 PEARSON RD

BELTON SC 29627-9236

AVIOQ INC

104 T.W. ALEXANDER DR

RESEARCH TRIANGLE PA NC 27709

Associated Receivables Funding, Inc.

PO Box 9246

Greenville, SC 29604-9246

BECKMAN COULTER

DEPT CH10164

PALATINE IL 60055-0001

Bonds, Ellis Eppich Schafer Jones LLP

420 Throckmorton St.

Suite 1000

Fort Worth, TX 76102-3727

Premier Medical, Inc.

6000 Pelham Road, Suite A

Greenville, SC 29615-5845

4 SOUTH MAIN LLC

14 S MAIN ST 3RD FLOOR

GREENVILLE SC 29601-4863

ADAMS AND REESE LLP

DEPT 5208

BIRMINGHAM AL 35287-0001

AGILENT TECHNOLOGIES

4187 COLLECTIONS CENTER DR

CHICAGO IL 60693-0001

AMETEK POWERVER

32806 COLLECTIIN CENTER DR

CHICAGO IL 60693-0001

ARKSTONE

135 ROCKAWAY TURNPIKE STE 111

LAWRENCE NY 11559-1023

Adams and Reese LLP

c/o Ron C. Bingham, II, Esq.

3424 Peachtree Road, NE, Suite 1600

Atlanta, GA 30326-1139

(p)BAEBIES INC

PO BOX 14403

DURHAM NC 27709-4403

BIOMEDICAL REFRIGERATION SERVICES

2680 SOUTH LAKE DR

LEXINGTON SC 29073-8199

Dallas County

Linebarger Goggan Blair &amp; Sampson, LLP

c/o John K. Turner

2777 N. Stemmons Fwy, Ste. 1000

Dallas, TX 75207-2328

501 W. Tenth Street

Fort Worth, TX 76102-3637

A.G. ADJUSTMENTS, LTD.

740 WALT WHITMAN ROAD

MELVILLE NY 11747-2212

ADITXT

737 N 5TH ST

RICHMOND VA 23219-1441

AIR SCIENCE LLC

120 6TH ST

FORT MYERS FL 33907-1554

AP PROFESSIONAL SECURITY LLC

300 PETTIGRU ST STE 20.

GREENVILLE SC 29601-3113

ASSURANCE LAB CONSULTING

2868 ACTION RD STE 207

BIRMINGHAM AL 35243-2502

Aetna, Inc.

Aaron McCollough

c/o McGuireWoods LLP

77 West Wacker Drive, Suite 4100

Chicago, IL 60601-1818

BARNEY MCKENNA &amp; OLMSTEAD

43 SOUTH 100 EAST

SAINT GEORGE UT 84770-3472

BIOPURE ENVIRONMENTAL SERVICE

655H FAIRVIEW ROAD BOX 333

SIMPSONVILLE SC 29680-6706

BIOSAFE SUPPLIES LLC  
9436 SOUTHRIDGE PARK COURT  
ORLANDO FL 32819-8639

BORIS YANKOVICH  
415 OCEAN VIEW AVE FL 3  
BROOKLYN NY 11235-6828

Beverly Weiss Manne  
1500 One PPG Place  
Pittsburgh, PA 15222-5416

C2CRESOURCES  
1455 LINCOLN PKWY E STE 550  
ATLANTA GA 30346-2288

(p)US BANK  
PO BOX 5229  
CINCINNATI OH 45201-5229

CAROLINA SHRED  
1682 KATY LANE  
FORT MILL SC 29708-8974

CHANCE CAMPBELL  
481 GARLINGTON ROAD SUITE A  
GREENVILLE SC 29615-4619

CHERNOFF NEWMAN  
1411 GERVAIS ST  
COLUMBIA SC 29201-3379

CITY OF GREENVILLE  
PARKING ENFORCEMENT  
GREENVILLE SC 29609

CLEAR HEALTH PASS HOLDINGS, LLC AS TRIBAL AG  
1830 RADIUS DR., SUITE 514  
HOLLYWOOD, FL 33020-7709

CLEAR HEALTH PASS HOLDINGS, LLC AS TRIBAL AG  
C/O THE NATIVE AMERICAN VENTURE FUND  
NEW YORK, NY 10005

CLINICAL LAB SALES TRAINING LLC  
10751 FOLKESTONE WAY  
WOODSTOCK MD 21163-1313

CLOUDFUND, LLC  
400 REKKA BLVD, STE 165-101  
SUFFERN NY 10901

CLSI  
PO BOX 645766  
PITTSBURGH PA 15264-5255

COMMIT SERVICES INC  
244 5TH AVE STE 1218  
NEW YORK NY 10001-7604

COMPLIANCELINE LLC  
8615 CLIFF CAMERON DR STE 290  
CHARLOTTE NC 28269-5912

CPT MEDICAL, INC.  
6000A PELHAM ROAD  
GREENVILLE SC 29615-5845

CT CORPORATION  
PO BOX 4349  
CAROL STREAM IL 60197-4349

Centers for Medicare & Medicaid Services, US  
CMS, US, DHHS c/o Dirk Rozendale  
1301 Young Street, Suite 1138  
Dallas, TX 75202-5403

(p)CITY OF GREENVILLE  
ATTN CITY ATTORNEY'S OFFICE/ATTN TONYA GRAMANN  
P O BOX 2207  
GREENVILLE SC 29602-2207

Clinical Laboratory Sales Training, LLC  
10751 Folkestone Way  
Woodstock, MD 21163-1313

Comptroller of Public Accounts  
C/O Office of the Attorney General  
Bankruptcy - Collections Division MC-008  
PO Box 12548  
Austin TX 78711-2548

Curtis Stodhill, Receiver  
Weyman C. Carter  
Post Office Box 447  
Greenville, SC 29602-0447

DASH COURIER SERVICE  
PO BOX 11049  
CHARLOTTE NC 28220-1049

DATA MEDIA ASSOCIATES LLC  
PO BOX 1052  
COLUMBUS GA 31902-1052

DIAZYME LABORATORIES  
PO BOX 392165  
PITTSBURGH PA 15251-9165

DIVERSIFIED MEDICAL HEALTHCARE, INC.  
6000A PELHAM ROAD  
GREENVILLE SC 29615-5845

DIVERSIFIED PROPERTIES 2, LLC  
6000A PELHAM ROAD  
GREENVILLE SC 29615-5845

DIVERSIFIED PROPERTY VENTURES, LLC  
6000A PELHAM ROAD  
GREENVILLE SC 29615-5845

DIVERSIFIED PROPERTY VENTURES, LLC  
C/O CUSHMAN & WAKEFIELD  
PO BOX 5160  
GLEN ALLEN VA 23058-5160

DJO LLC  
PO BOX 650777  
DALLAS TX 75265-0777

DNA GENOTEX  
3000 500 PALLADIUM DR  
OTTAWA ON K2C 3H4

Document Page 8 of 14

DPX LABS LLC  
19 TECHNOLOGY CIRCLE  
COLUMBIA SC 29203-9591

DRUG TESTING FOR LESS  
1887 MCFARLAND PARKWAY  
ALPHARETTA GA 30005-8341

DUFFY & YOUNG LLC  
96 BROAD STREET  
CHARLESTON SC 29401-2201

Dallas County  
Linebarger Goggan Blair & Sampson, LLP  
c/o John Kendrick Turner  
2777 N. Stemmons Freeway  
Suite 1000  
Dallas, TX 75207-2328

David J. Coyle  
Shumaker, Loop & Kendrick, LLP  
1000 Jackson Street  
Toledo, OH 43604-5573

ECLINICALWORKS  
PO BOX 847950  
BOSTON MA 02284-7950

ELAN CREDIT SERVICES  
PO BOX 790408  
SAINT LOUIS MO 63179-0408

EMDS  
PO BOX 679493  
DALLAS TX 75267-9492

ENVIRONMENTAL SAFETY PROFESSIONALS  
7419 KNIGHTDALE BLVD STE 115  
KNIGHTDALE NC 27545-8825

EUROIMMUN US INC  
1 BLOOMFIELD AVE  
MOUNTAIN LAKES NJ 07046-1466

EVOQUA WATER TECHNOLOGIES LLC  
4450 TOWNSHIP LINE ROAD  
SKIPPACK PA 19474

EXPERIAN HEALTH INC  
PO BOX 846133  
LOS ANGELES CA 90084-6133

FEDEX  
PO BOX 371461  
PITTSBURGH PA 15250-7461

FIRST CAROLINA HOLDINGS, LLC  
4113 E. NORTH STREET  
GREENVILLE SC 29615-2350

FISHER HEALTHCARE  
ATTN 001686  
ATLANTA GA 30384-0001

FRANK VELOCCI  
FAEGREDRINKER  
1177 AVENUE OF THE AMERICAS, 41ST FLOOR  
NEW YORK NY 10036-2714

GENESEE SCIENTIFIC CORP  
900 VERNON WAY  
EL CAJON CA 92020-1833

(p)GLAST PHILLIPS & MURRAY  
ATTN TROY PHILLIPS  
14801 QUORUM DRIVE  
SUITE 500  
DALLAS TX 75254-1518

GREENBERG, GRANT & RICHARDS  
5858 WESTHEIMER ROAD STE 500  
HOUSTON TX 77057-5645

GREENVILLE COUNTY TAX ASSESSOR  
301 UNIVERSITY RIDGE, STE 700  
GREENVILLE SC 29601-3659

GREENVILLE MEDICAL SUPPLY  
3025 WILDRIDGE  
MASSILLON OH 44646-2460

GREENVILLE WATER SYSTEM  
PO BOX 687  
GREENVILLE SC 29602-0687

GREGORY CRAPANZANO  
200 SOUTH 10TH STREET STE 1600  
RICHMOND VA 23219-4061

GREINER BIO-ONE  
4238 CAPITAL DRIVE  
MONROE NC 28110-7681

GS1 US INC  
DEPT 781271  
DETROIT MI 48278-0001

HAYNESWORTH SINKLER BOYD  
1201 MAIN STREET22ND FLOOR  
COLUMBIA SC 29201

HILLARY MCGEE  
148 GOLDEN POND DR  
LEXINGTON SC 29073-7533

HOFFMAN MECHANICAL SOLUTIONS  
PO BOX 77319  
GREENSBORO NC 27417-7319



HOLDER, PADGETT, LITTLEJOHN & PRICKETT  
800 E. NORTH STREET  
GREENVILLE SC 29601-3174

HUNTINGTON TECHNOLOGY FINANCE  
22885 FRANKLIN ROAD  
BLOOMFIELD HILLS MI 48303

HYCOR BIOMEDICAL  
PO BOX 51899  
LOS ANGELES CA 90051-6199

Hoffman Mechanical Solutions, Inc.  
Attn: Randy Nolen  
3816 Patterson Street  
Greensboro, NC 27407-3238

Humana, Inc  
C/o Fox Swibel Levin & Carroll  
200 W. Madison, Suite 3000  
Chicago, IL 60606-3417

ILLUMINA INC  
12864 COLLECTION CENTER DR  
CHICAGO IL 60693-0001

INTEGRATED DNA TECHNOLOGIES  
PO BOX 74007330  
CHICAGO IL 60674-7330

INTEGRATED MICRO CHROMATOGRAPHY SYS  
110 CENTRUM DR  
IRMO SC 29063-9396

INTERNAL MED PHYSICIANS OF ALLIANCE  
1207 WEST STATE ST STE N  
ALLIANCE OH 44601-4686

INTERNAL MED PHYSICIANS OF MINERVA  
1168 ALLIANCE RD NW  
MINERVA OH 44657-8736

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATION  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

INTUITIVE HEALTH LLC  
104 AVALON COURT  
CHAPIN SC 29036-7373

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

IVANTI  
DEPT 0352  
DALLAS TX 75312-0001

(p)INTELLIGENT SOLUTIONS LLC  
P O BOX 555  
LEANDER TX 78646-0555

Internal Revenue Service  
1100 Commerce St  
MC 5026 DAL  
Dallas TX 75242-1100

J.R. KREBS  
2123 9TH STREET, SUITE 110  
TUSCALOOSA AL 35401-2364

JANT PHARMACAL CORP  
16530 VENTURA BLVD #512  
ENCINO CA 91436-5062

JONATHAN SCHULZ  
BRADLEY  
214 N TRYON ST STE 3700  
CHARLOTTE NC 28202-2671

James S. Livermon, III  
555 Fayetteville Street  
Suite 1100  
Raleigh, NC 27601-3034

Joshua McGriff  
ATTN: F. Lee Prickett, III  
800 E. North Street  
Greenville, SC 29601-3174

KELLY HART  
201 MAIN STREET, SUITE 2500  
FORT WORTH TX 76102-3129

KEVIN MURDOCK  
118 JAMES ST  
GREENVILLE SC 29609-5334

KUDZU STAFFING INC  
PO BOX 51627  
POWERSVILLE SC 29673-2049

LAB LOGISTICS LLC  
PO BOX 84938  
CHICAGO IL 60689-4938

LABTECH DIAGNOSTICS  
PO BOX 825893  
PHILADELPHIA PA 19182-5893

LEAF CAPITAL  
PO BOX 5066  
HARTFORD CT 06102-5066

LEAF Capital Funding, LLC  
LEAF Capital Funding c/o HMB Legal Couns  
500 W. Madison St., Ste 3700  
Chicago, IL 60661-4591

LEGACY CAPITAL 26, LLC  
290 HARBOR DRIVE  
STAMFORD CT 06902-8700

LGC CLINICAL DIAGNOSTICS INC  
DEPT CH 16362  
PALATINE IL 60055-0001

LIFE TECHNOLOGIES CORP  
12088 COLLECTION CENTER DR  
CHICAGO IL 60693-0001

LIGHTHOUSE LAB SERVICES  
1337 HUNDRED OAKS DR  
CHARLOTTE NC 28217-4060

LITTLER  
110 E COURT ST SUITE 201  
GREENVILLE SC 29601-4905

LONGHORN VACCINES AND DIAGNOSTICS  
9110 BOOTHBAY COURT  
WILMINGTON NC 28411-6839

LUMINEX CORP  
PO BOX 844222  
DALLAS TX 75284-4222

LYNN PINK HURST & SCHWEGMANN  
2100 ROSS AVE STE 2700  
DALLAS TX 75201-7919

MARSHALL SCIENTIFIC  
2 ARNOLD CIRCLE  
CAMBRIDGE MA 02139-2213

MCKESSON MEDICAL SURGICAL  
PO BOX 936279  
ATLANTA GA 31193-6279

MEDCARE MSO  
1000 CORDOVA PLACE STE 206  
SANTA FE NM 87505-1725

MEDCHAIN SUPPLY  
PO BOX 842818  
BOSTON MA 02284

MEDICAL PRACTICE CONCEPTS  
330 JIMMY JOHNSTON ROAD  
GREENEVILLE TN 37743-4051

(p)MEDLINE INDUSTRIES INC  
ATTN ANNE KISHA  
ONE MEDLINE PL  
MUNDELEIN IL 60060-4486

MEDWASTE SERVICES  
1682 KATY LANE  
FORT MILL SC 29708-8974

MICROSOFT MSDN  
PO BOX 848529  
DALLAS TX 75284-8529

MISSISSIPPI BIOMEDICAL  
201 NORTH LANE DRIVE  
TUPELO MS 38801-4520

MYHOMMELABS  
6366 COLLEGE BLVD  
OVERLAND PARK KS 66211-1506

Mary M. Caskey, Esq.  
Haynsworth Sinkler Boyd, PA  
PO Box 11889  
Columbia, SC 29211-1889

NATIONAL JEWISH HEALTH- ADX  
1400 JACKSON STREET M011  
DENVER CO 80206-2762

NELSON MULLINS RILEY ET AL  
PO BOX 11009  
COLUMBIA SC 29211-1009

NFS LEASING  
900 CUMMINGS CENTER STE 226U  
BEVERLY MA 01915-6183

(p)NFS LEASING INC  
ATTN LEGAL  
900 CUMMINGS CENTER  
SUITE 226-U  
BEVERLY MA 01915-6183

ONGEN, INC.  
6000A PELHAM ROAD  
GREENVILLE SC 29615-5845

OPTIWISE  
8964 RISING MIST WAY  
ROSEVILLE CA 95747-7128

PANGEA LABORATORY  
14762 BENTLEY CIRCLE  
TUSTIN CA 92780-7226

PATIA EUROPE S.L.  
SAN SEBASTIAN PR 00685

PAVEA LLC  
2329 PORTER STREET NW  
WASHINGTON DC 20008-1204

PEAK SCIENTIFIC  
19 STERLING ROAD STE 1  
NORTH BILLERICA MA 01862-2524

PEARL PATHWAYS  
29 E MCCARTY ST STE 100  
INDIANAPOLIS IN 46225-3326

PERKINELMER HEALTH SCIENCES INC  
710 BRIDGEPORT AVE  
SHELTON CT 06484-4750

PHENOMENEX  
PO BOX 749397  
LOS ANGELES CA 90074-9397

PIEDMONT NATURAL GAS  
PO BOX 1246  
CHARLOTTE NC 28201-1246

PLUS INC  
PO BOX 5643  
GREENVILLE SC 29606-5643

PULSE CONSULTING  
2400 VETERANS MEM BLVD 510  
KENNER LA 70062-4729

Pangea Laboratory LLC  
14762 Bentley Circle  
Irvine, CA 92780-7226

QUEST DIAGNOSTICS ATL  
PO BOX 74736  
ATLANTA GA 30374

Quest Diagnostics Clinical Laboratories, Inc  
Henderson & Henderson, LLC  
6 Charlotte Street  
Charleston, SC 29403-6653

RADLA CAPITAL, LLC  
161-10A UNION STREET 2ND FLOOR  
FLUSHING NY 11366

RAININ  
PO BOX 13505  
NEWARK NJ 07188-3505

RANDOX LABORTORIES US LTD  
515 INDUSTRIAL BLVD  
KEARNEYSVILLE WV 25430-2778

REBECCA RITZ  
7934 WNC 10 HWY  
VALE NC 28168-9515

REGENCY FINANCE, LLC  
111 PETTIGRU STREET  
GREENVILLE SC 29601-3030

RICHARD T. AVIS & ASSOCIATES  
5500 PEARL ST  
ROSEMONT IL 60018-5303

ROBINSON BRADSHAW  
202 E. MAIN ST.  
ROCK HILL SC 29730-4542

ROCHE DIAGNOSTICS CORP  
MAIL CODE 5508  
CHARLOTTE NC 28272

ROE CASSIDY COATES, & PRICE , PA  
PO BOX 10529  
GREENVILLE SC 29603-0529

Redguard, LLC d/b/a SiteBox Storage  
c/o Tyler E. Heffron  
Triplett Woolf Garretson, LLC  
2959 N. Rock Road, Ste. 300  
Wichita, KS 67226-5100

Roche Diagnostic  
9115 Hague Road, PO Box 50457  
Indianapolis, IN 46250-0457

SC DEPT OF REVENUE  
PO BOX 12265  
COLUMBIA SC 29211-2265

SCOTT ROBERTS  
1111 S FORK DR  
SEVIERVILLE TN 37862-2966

SEGRA  
PO BOX 631140  
CINCINNATI OH 45263-1140

SELECT LABS SC  
PO BOX 13030  
GREENSBORO NC 27415-3030

SENDGRID  
1801 CALIFORNIA ST, STE 500  
DENVER CO 80202-2618

SETHI LABORATORIES LLC  
4101 ROSS AVE STE 100  
DALLAS TX 75204-5139

SHRED AMERICA  
1682 KATY LANE  
FORT MILL SC 29708-8974

SITELABS LLC  
10131 CLEMSON BLVD  
SENECA SC 29678-0818

SPEAK STRATEGIC  
PO BOX 1431  
JOHNS ISLAND SC 29457-1431

SPECTRUM BUSINESS  
PO BOX 742614  
CINCINNATI OH 45274-2614

STAPLES BUSINESS ADVANTAGE  
PO BOX 105748  
ATLANTA GA 30348-5748

STRECK LABS  
PO BOX 45625  
OMAHA NE 68145-0625

SUNBELT RENTALS  
PO BOX 409211  
ATLANTA GA 30384-9211

Smart Sales, LLC, dba Smartox  
Mark Chevallier, Jonathan Petree, Esqs.  
MCGUIRE, CRADDOCK & STROTHER, P.C.  
500 N. Akard Street, Suite 2200  
Dallas, Texas 75201-3317

Sunbelt Rentals, Inc.  
Attn: Catherine Hargis  
908 Kelly June Drive  
Mount Juliet, TN 37122-3540

TECAN SP INC  
PO BOX 846756  
LOS ANGELES CA 90084-6756

TECAN US  
PO BOX 602740  
CHARLOTTE NC 28260-2740

TFORCE FREIGHT  
PO BOX 650690  
DALLAS TX 75265-0690

THE HENDRICKS FIRM LLC  
101 NE MAIN ST,  
EASLEY SC 29640-2086

THERMO FISHER FINANCIAL SERVICES INC  
11 OLD EAGLE SCHOOL ROAD  
WAYNE PA 19087

TIS INTERNATIONAL USA INC  
PO BOX 7109  
SAN FRANCISCO CA 94120-7109

TOP FLIGHT STAFFING  
PO BOX 51135  
PIEDMONT SC 29673-2135

TOX CREW INC  
9111 CROSS PARK DR  
KNOXVILLE TN 37923-4506

TRANSLATIONAL SOFTWARE  
7683 S.E. 27TH STREET #352  
MERCER ISLAND WA 98040-2804

TRI COUNTY RENTALS  
5619 HWY153  
EASLEY SC 29640

(p)TRITON RECOVERY  
19790 W DIXIE HIGHWAY  
SUITE 301  
MIAMI FL 33180-2293

Texas Health and Human Services Commission  
HHSC - Records Management Group  
4601 West Guadalupe Street, MC 1100  
Austin, TX 78751-3146

The Huntington National Bank  
c/o James S. Livermon, III  
555 Fayetteville Street  
Suite 1100  
Raleigh, NC 27601-3034

Thermo Fisher Financial Services, Inc.  
c/o Beverly Weiss Manne  
1500 One PPG Place  
Pittsburgh, PA 15222-5416

Townes B. Johnson III  
Townes B. Johnson III, LLC  
PO Box 9246  
Greenville  
South Carolina, SC 29604-9246

Tyler E. Heffron  
Triplett Woolf Garretson, LLC  
2959 N. Rock Road, Ste. 300, 3rd Floor  
Wichita, KS 67226-5100

U.S. Bank NA dba Elan Financial Services  
Bankruptcy Department  
PO Box 108  
Saint Louis MO 63166-0108

UPS  
PO BOX 7247-0244  
PHILADELPHIA PA 19170-0001

US BANK EQUIPMENT FINANCE  
PO BOX 790448  
SAINT LOUIS MO 63179-0448

US TRUSTEE  
1100 COMMERCE ST. ROOM 976  
DALLAS, TX 75242-0996

US Trustee  
300 Virginia St., Room 2025  
Charleston, WV 25301-2535

United States Trustee  
1100 Commerce Street  
Room 976  
Dallas, TX 75242-0996

UnitedHealthcare Insurance Company  
ATTN: CDM/Bankruptcy  
185 Asylum Street - 03B  
Hartford, CT 06103-3408

VESSEL MEDICAL, INC.  
6000A PELHAM ROAD  
GREENVILLE SC 29615-5845

VESSELL MEDICAL  
6000 A PELHAM ROAD  
GREENVILLE SC 29615-5845

VOX FUNDING SPV1, LLC  
14 E 44TH ST 4TH FLOOR  
NEW YORK NY 10017-3632

VWR INTERNTIONAL  
PO BOX 640169  
PITTSBURGH PA 15264-0169

WELLS FARGO FINACE LEASING, INC.  
PO BOX 77096  
MINNEAPOLIS MN 55480-7796

WOODWARD & BUTLER  
PO BOX 1906  
WALTERBORO SC 29488-0020

Wells Fargo Financial Leasing Inc.  
Attn: Lisa Boddicker  
800 Walnut Street MAC F0005-055  
bankruptcynoticesdfvendor@wellsfarg  
Des Moines, IA 50309-3605

Weyman C. Carter  
Burr & Forman, LLP  
Post Office Box 447  
Greenville, SC 29602-0447

XEROX FINANCIAL SERVICES  
P O BOX 660506  
DALLAS TX 75266-0506

YOURGENE HEALTH  
1680 MICHIGAN AVE  
MIAMI BEACH FL 33139-2538

ZEPTO METRIX/ANTYLIA  
14957 COLLECTION CENTER DR  
CHICAGO IL 60693-0149

ZERION GROUP  
PO BOX 940411  
MAITLAND FL 32794-0411

Bryan C. Assink  
Bonds Ellis Eppich Schafer Jones LLP  
420 Throckmorton St., Suite 1000  
Fort Worth, TX 76102-3727

Curtis Stodghill  
c/o Burr & Forman LLP  
Weyman C. Carter, Esq.  
P.O. Box 447  
Greenville, SC 29602-0447

Eric Thomas Haitz  
Bonds Ellis Eppich Schafer Jones LLP  
420 Throckmorton St.  
Suite 1000  
Fort Worth, TX 76102-3727

Harrison Pavlasek  
Bonds Ellis Eppich Schafer Jones LLP  
420 Throckmorton Street  
Ste 1000  
Fort Worth, TX 76102-3727

John Dee Spicer  
Suite 560, Founders Square  
900 Jackson Street  
Dallas, TX 75202-4404

Joshua N. Eppich  
Bonds Ellis Eppich Schafer Jones LLP  
420 Throckmorton St., Suite 1000  
Fort Worth, TX 76102-3727

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PO BOX 14403  
DURHAM NC 27709

CARDMEMBER SERVICES  
PO BOX 790408  
SAINT LOUIS MO 63179

City of Greenville, South Carolina  
PO Box 2207  
Greenville, SC 29602-2207

GLAST, PHILLIPS & MURRAY  
14801 QUORUM DRIVE SUITE 500  
DALLAS TX 75254

IRS MDP 39  
1835 ASSEMBLY ST, RM 469  
COLUMBIA SC 29201

Intelligent Solutions, LLC  
PO Box 555  
Leander, TX 78646 US

MEDLINE INDUSTRIES INC  
DEPT CH 14400  
PALATINE IL 60055

NFS Leasing, Inc.  
900 Cummings Center, Suite 226-U  
Beverly, MA 01915

TRITON RECOVERY GROUP  
19790 W. DIXIE HIGHWAY STE 301  
AVENTURA FL 33180

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